REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 16-33, 35, 37-45, 47 and 49-66 are currently pending in this application, with Claims 16, 33, 45 and 53 being independent. Claims 53-66 are newly added. Support for the new claims may be found in the specification as originally filed. Applicant submits that no new matter has been added.

Applicant respectfully traverses the supplemental restriction requirement set forth in the Official Action mailed December 13, 2005. Nevertheless, in order to comply with 37 C.F.R. 1.143, Applicant hereby elects the invention of Group II, generic SEQ ID NO: 15, and ultimate SEQ ID NO: 18. Applicant submits that Claims 45, 47, and 49-66 are all readable on that invention.

In the Official Action, the Examiner alleges that the Claims of Groups I and II constitute distinct inventions, necessitating the restriction requirement. Applicant, however, respectfully submits that the two Groups are closely related and that a proper search of the claims of one Group would likely include a search of the claims of the other Group as well. Thus it is submitted that all of the claims can be searched simultaneously and that a duplicative search with possibly inconsistent results may occur if the restriction requirement is maintained.

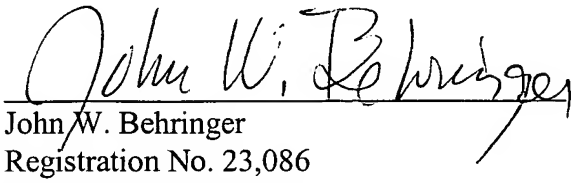
Moreover, as indicated in the Response filed October 19, 2005, each of the independent claims (Claims 16, 33, 45 and 53) requires the use of, or claims per se, "at least one peptide selected from the group consisting of SEQ ID NO: 16, SEQ ID NO: 17, SEQ ID NO: 18, SEQ ID NO: 19 and SEQ ID NO: 20." In the above-referenced Official

Action the Examiner seems to indicate that only one SEQ ID NO will be examined in this application. That is inconsistent with instructions in the Manual of Patent Examining Procedure. According to MPEP § 803.04 "normally ten sequences constitutes a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction." None of the factors listed in § 803.04 as necessitating a reduction in the number of sequences that may be reasonably examined (such as a recitation of three dimensional folding) are present in SEQ ID NOS: 16-20 of the present application. Further, Applicant notes that only five SEQ ID NOS (SEQ ID NOS: 16-20) are recited in the quoted Markush group, and that these SEQ ID NOS are all related, in that they are all ultimate species of SEQ ID NO: 15. As such, Applicant submits that, according to the policy of the U.S. Patent and Trademark Office, for the filing fee he has paid he is entitled, at a minimum, to the examination in this application of independent Claims 16, 33, 45 and 53 and all claims dependent therefrom. That would not constitute an unreasonable burden on the Examiner and it would further the U.S. Patent and Trademark Office's policy of aiding the biotechnology industry in protecting its intellectual property. *See id.*

In view of the foregoing, Applicant requests favorable treatment of this Response and withdrawal of this and all previous restriction requirements.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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